

## **803 KAR 1:020. Employment of apprentices and trainees.**

RELATES TO: KRS 337.505-337.550

STATUTORY AUTHORITY: KRS 337.520(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.520(5) authorizes the executive director to permit the employment of apprentices and trainees in skilled trades at wages lower than the applicable prevailing wage for a journeyman craftsman. The function of this administrative regulation is to set forth labor standards to permit apprentices and trainees to be employed at wages lower than the applicable prevailing wage and to safeguard the welfare of the apprentice, trainee, and journeyman craftsman.

Section 1. As used in this administrative regulation unless the context requires otherwise:

- (1) "Executive director" means the Executive Director of Workplace Standards, Labor Department
- (2) "Office" means the Office of Workplace Standards;
- (3) "Apprentice" means a person who is indentured and employed in a bona fide apprenticeship program and individually registered by the program sponsor with the Supervisor of Apprenticeship and Training, Kentucky Labor Department;
- (4) "Trainee" means a person who is employed in an on-the-job training program and has entered into an on-the-job training agreement with a program sponsor in a construction occupation which has been approved by a federal agency as promoting equal employment opportunity;
- (5) "Sponsor" means any person, association, committee or organization in whose name or title the program is registered, irrespective of whether such entity is an employer;
- (6) "Employer" means any person or organization employing an apprentice or trainee whether or not such person or organization is a party to an apprenticeship or on-the-job training agreement with the apprentice or trainee.

Section 2. Apprentices will be permitted to work as such only when they are individually registered with the Supervisor of Apprenticeship and Training, Kentucky Labor Department. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than one (1) apprentice for the first journeyman and one (1) apprentice for each additional three (3) journeymen employed on each project by an employer. The wage rate to be paid the apprentice will be the percentage of the journeyman wage under the registered program. The journeyman wage rate will be the wage rate determined by the executive director for the craft classification for each project. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the executive director for the classification of work actually performed.

Section 3. Trainees will be permitted to work as such only when they are employed in an on-the-job training program which has been approved by a federal agency as promoting equal employment opportunity. The allowable ratio of trainees to journeymen in any craft classification shall not be greater than the ratio permitted under the approved program; but in no event shall the ratio exceed one (1) trainee for the every three (3) journeymen employed on each project by an employer. The wage rate to be paid the trainee will be the percentage of the journeyman wage under the approved program. The journeyman wage rate will be the wage rate determined by the executive director for the craft classification of work actually performed. The employer shall furnish the office written evidence of the approved program and agreements as well as of the appropriate ratios and wage rates percentages when requested. (LAB-2; 1 Ky.R. 48; eff. 10-2-74; TAm eff. 8-9-2007.)